

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/691

- Applicant** : Ms LI Ah Lee represented by Mr. Tang Lok San
- Site** : Lots 1385 S.A (Part), 1385 RP, 1386 (Part), 1387 S.A and 1387 S.B in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,615.2 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, ‘Animal Boarding Establishment’ which is a Column 2 use and filling of land require planning permission from the Town Planning Board (the Board). The Site is hard paved and currently occupied by various temporary structures for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Tai Tong Road with an ingress/egress point at the northeastern corner (**Drawing A-1** and **Plan A-2**). According to the applicant, the animal boarding establishment will accommodate not more than 80 dogs. All dogs will be kept inside the enclosed structure with soundproofing materials, ventilation system and air-conditioning system. No public announcement system, whistle blowing or portable loudspeaker will be used at the Site. The applicant also proposes to regularise the filling of land with concrete with an area of 1,615m² to a depth of not more than 0.3m. Plans showing the vehicular access, layout, land filling plan and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-4** respectively.

- 1.3 The Site was involved in one previous application (No. A/YL-TT/570) for the same use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 (details at paragraph 5.3 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use with a similar development parameters and layout, except for the addition of six open sheds and a slight increase in total floor area (i.e. from 693m² to 786m²). The major development parameters of the current application are summarised as follows:

Site Area	about 1,615m ²
Extent of Filling of Land	about 1,615m ² (to a depth of not more than 0.3m with concrete)
Total Floor Area (non-domestic)	not more than 786 m ²
No. of Structures	16 - 6 for animal boarding establishment with toilet - 6 for open sheds - 4 for ancillary storage and offices
Height of Structures	1 storey (Not exceeding 3.5m)
No. of Parking and Loading/Unloading	2 - 1 for private car (5m x 2.5m) - 1 for light goods vehicle (7m x 3.5m)
Operation Hours	8:00 a.m. to 6:00 p.m. daily

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 17.12.2024 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 23.12.2024 **(Appendix Ia)**
 - (c) Further Information (FI) received on 28.1.2025* **(Appendix Ib)**
 - (d) FI received on 9.4.2025* **(Appendix Ic)**
*[*accepted and exempted from publication and recounting requirements]*
- 1.5 On 14.2.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (b) the applied use is not incompatible with the surrounding environment;

- (c) similar applications have been approved by the Committee in “AGR” zone; and
- (d) the proposal serves as a place for pet recreation outlets to meet the demand for pet boarding service within the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners”. The applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents from the remaining “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/YL-TT/444 and 570). Details of these applications are at **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

Rejected Application

- 5.2 Application No. A/YL-TT/444 involving the southern portion of the Site for temporary animal boarding establishment with a dog breeding centre for a period of three years was rejected by the Committee in 2018 mainly on the grounds that the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural rehabilitation and animal management perspectives¹; no strong justification for a departure from the planning intention of the “AGR” zone; and setting an undesirable precedent.

Approved Application

- 5.3 Application No. A/YL-TT/570 for temporary animal boarding establishment with ancillary facilities for a period of three years and associated filling of land at the Site was approved by the Committee in 2022 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the area; the proposal was not incompatible with the surrounding uses, and the departmental concerns could be addressed by imposing approval conditions. However, the planning permission for application No. A/YL-TT/570 was revoked on 10.3.2024

¹ DAFC did not consider the then applicant to be a suitable person to hold a Dog Breeder License under the relevant regulations due to previous violations of the license conditions.

due to non-compliance with time-limited approval conditions related to implementation of drainage proposal.

6. Similar Application

There is no similar application within the same “AGR” zone on the OZP within the past five years.

7. Planning Intention

7.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

7.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) hard paved and currently occupied by various temporary structures for the applied use without valid planning permission; and
- (b) accessible via a local track leading from Tai Tong Road.

8.2 The surrounding areas are predominantly rural in character comprising farmlands, hobby farm, bee farm, pigsty farms, orchard, open storage/storage yards, graves and unused land. The open storage/storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 27.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix V**) was received from an individual objecting to the application mainly on the grounds that the Site involves a previous planning application that failed to comply with the approval conditions which was revoked but the Site is still in operation.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land at the Site zoned “AGR” on the OZP. While the applied use is not entirely in line with the planning intention of the “AGR” zone, DAFC has no strong view against the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of five years.
- 11.2 The applicant proposes to regularise the filling of land with concrete (area of 1,615m² to a depth of not more than 0.3m). Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and the Director of Environmental Protection have no objection to/no adverse comments on the application from drainage and environmental perspective respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are predominantly rural in character comprising farmlands, hobby farm, bee farm, pigsty farms, orchard, open storage/storage yards, graves and unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to/no adverse comment on the application from traffic, fire safety and environmental hygiene aspects respectively. DAFC also has no comment on the application from nature conservation perspective. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 The Site is the subject of a previous application (No. A/YL-TT/570) for the same use which was approved by the Committee in 2022. However, its planning permission was subsequently revoked due to non-compliance with time-limited approval condition on implementation of drainage proposal. The current application is submitted by the same applicant with similar development parameters and layout as compared with the last application. Regarding the non-compliance of the previous approval condition, the applicant claimed that although she has implemented the drainage proposal, there was not enough time to rectify the defects in accordance with comments received from CE/MN, DSD. In the current application, the applicant has submitted a drainage proposal and CE/MN, DSD has no objection to the application. As such, sympathetic consideration may be given to the applicant. Should the application be approved, the applicant will be advised

that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.

- 11.6 Although there was an earlier application rejected by the Committee in 2018 as detailed in paragraph 5.2 above, the planning circumstances of the current application are different in that DFAC has no adverse comments on the application. Approval of the current application is generally in line with the Committee's previous decisions.
- 11.7 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment detailed in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 6.6.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.12.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities at the Site should be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.12.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.3.2026;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site, including the removal of fill materials and hard paving, and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachment received on 17.12.2024
Appendix Ia	SI received on 23.12.2024
Appendix Ib	FI received on 28.1.2025
Appendix Ic	FI received on 9.4.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Drainage Proposal

Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**